

REMARKS

This Amendment cancels claims 45 and 50-54 and amends claims 1, 23, 29, 36, and 46 in accordance with the original disclosure. Support for the claim amendments is found, for example, in the application at page 10, line 26 to page 11, line 16 and page 12, lines 16-17. Claims 1-44 and 46-49 remain in this application.

Confirmation of Election

As requested by the Examiner, Applicants hereby confirm the election of Group I (claims 1-49) for initial prosecution on the merits. Applicants have canceled claims 50-54 directed to the non-elected invention.

Rejections Under 35 U.S.C § 112, second paragraph

Claim 45 stands rejected for indefiniteness. As set forth above, Applicants have canceled claim 45, thereby rendering this rejection moot.

Rejections Under 35 U.S.C. § 102(b); § 103(a); and § 102(e)

Claims 1 and 6 stand rejected under 35 U.S.C. § 102(b) for anticipation by U.S. Patent No. 5,470,526 to Wilfong et al. Claims 4 and 22 stand rejected under 35 U.S.C. § 103(a) for obviousness over the teachings of Wilfong. Claims 1-49 stand rejected under 35 U.S.C. § 102(e) for anticipation by U.S. Patent No. 6,916,542 to Buhay et al. In view of the above amendments and the following remarks, reconsideration of these rejections is respectfully requested.

Claim 1, as amended, is directed to a coating composition comprising a functional coating comprising an inner layer and an outer layer. At least one degradable layer is located between the inner layer and the outer layer. At least one layer of a barrier coating is located between the inner layer and the outer layer. The barrier coating has a permeability of oxygen no greater than 10 grams per m² per day at a temperature of 900°F.

Wilfong is directed to a polymeric blend having enhanced environmental degradability properties comprising a non-biodegradable thermoplastic polymer (Wilfong at column 1, lines 13-15).

Buhay is directed to a coated article having a functional coating with a protective coating formed on top of the functional coating (Buhay at column 2, lines 51-52; and column 5, lines 38-40). Neither Wilfong nor Buhay, either alone or in combination, fairly teaches or suggests the invention as set forth in amended claim 1. Specifically, neither of these references teaches or suggests a coating composition having a functional coating with the degradable layer and barrier coating located between the inner layer and the outer layer of the functional coating. While Buhay does teach a protective coating which can act as an oxygen barrier, this protective coating is placed on top of the functional coating, not inside the functional coating, as claimed in amended claim 1. Therefore, claim 1, as amended, is not anticipated by either Wilfong or Buhay. Reconsideration of the rejection of claim 1 is respectfully requested.

Claims 2-22 depend from, and add further limitations to, claim 1. Since these claims depend from a claim believed to be in condition for allowance, these claims are also believed to be in condition for allowance.

Independent claim 23 is directed to a coated substrate which comprises a functional coating on at least a portion of the substrate, the functional coating comprises an inner layer and an outer layer. At least one degradable layer is located between the inner layer and the outer layer and at least one barrier coating is located between the inner layer and the outer layer of the functional coating.

As discussed above with respect to claim 1, Buhay does not teach the claimed coating composition with the degradable layer and the barrier coating located between the inner layer and the outer layer of the functional coating. Therefore, claim 23, as amended, is believed patentable over Buhay.

Claims 24-44 depend from, and add further limitations to, claim 23. Since these claims depend from a claim believed to be in condition for allowance, these claims are also believed to be in condition for allowance. Reconsideration of the rejections of these claims is respectfully requested.

Independent claim 46 is directed to a coated substrate comprising, *inter alia*, four layers of dielectric material with a barrier coating on the first, second, or third layer of dielectric material. That is, the barrier coating is located below the

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outermost dielectric layer (fourth dielectric layer) and is incorporated into the functional coating.

As discussed above, Buhay does not teach this structure with the barrier coating incorporated into the functional coating. Therefore, claim 46, as amended, is not believed to be anticipated by Buhay. Reconsideration of the rejection of claim 46 is respectfully requested.

Claims 47-49 depend either directly or indirectly from, and add further limitations to, claim 46. Since these claims depend from a claim believed to be in condition for allowance, these claims are also believed to be in condition for allowance. Reconsideration of the rejections of claims 47-49 is respectfully requested.

In the Drawings

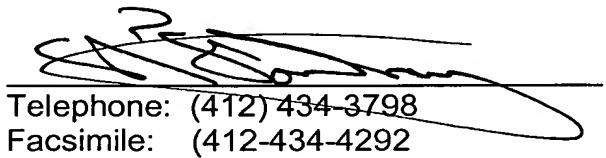
In the Office Action Summary attached to the outstanding Office Action, the drawing filed on 01 April 2004 is not indicated as being accepted or rejected. Applicants respectfully request confirmation that the submitted drawing is acceptable.

Conclusion

In view of the above amendments and remarks, reconsideration of the rejections and allowance of claims 1-44 and 46-49 are respectively requested.

Respectfully submitted,

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